

## CASE PROCESSING STANDARDS ANALYSIS PROBATE - ADMINISTRATION OF ESTATES

### National Center for State Courts Model Time Standards:

75% within 360 days

90% within 540 days

98% within 720 days

**Measurement:** Filing of petition through closing of estate.

### Arizona Probate - Administration of Estates

The following standards have been adopted for the Superior Courts:

**50% within 360 days**

**75% within 540 days**

**98% within 720 days**

- ✓ Formal and informal probate cases are included.
- ✓ Affidavit of succession to real property cases are included.

**Measurement:** Filing of application/petition for appointment of personal representative or probate of a will through closing of the decedent's estate (e.g. filing of closing statement, complete settlement, or order approving final distribution or accounting), OR filing of Affidavit of Succession to Real Property to the date the probate registrar stamps the affidavit.

**Excluded Time:** The following time will be excluded from measurement: stays for pre-adjudication special actions, appeals, and bankruptcy.

Arizona Rules and Statutes	Timelines under Statute and Rule
<b>Petition/Application Filed:</b> Rule 4(A)(1)(a), ARPP <sup>1</sup>	<b>(Measurement Starts Here)</b> A probate case relating to a decedent's estate is initiated by filing a petition for formal appointment of a personal representative or special administrator or formal probate of a will, by filing an application for informal appointment of a personal representative or special administrator or informal probate of a will, or by filing an Affidavit of Succession to Real Property.
ARS <sup>2</sup> § 14-3301	Application for informal probate and appointment proceedings.
ARS § 14-3402	Petition for formal probate of a will or for adjudication of intestacy with or without request for appointment of a personal representative.
<b>Notice:</b> ARS § 14-3306(B)	On issuance of a statement of informal probate, the applicant must within <b>30 days</b> give written information to all heirs and devisees of the admission of the will to probate, together with a copy of the will.

<sup>1</sup> Arizona Rules of Probate Procedure

<sup>2</sup> Arizona Revised Statutes

Arizona Rules and Statutes	Timelines under Statute and Rule
ARS § 14-3306(B)	An heir has <b>4 months</b> from receipt of information within which to commence a formal testacy proceeding if the heir wishes to contest the probate.
<b>Hearing:</b> ARS § 14-3403	Upon commencement of a formal testacy proceeding, the clerk shall fix a time and place of hearing. Notice shall be given in the manner prescribed by § 14-1401 by the petitioner to the persons specified below and to any additional person who has filed a demand for notice under § 14-3204. Notice shall be given to the following persons: the surviving spouse, children and other heirs of the decedent, the devisees and executors named in any will that is being, or has been, probated, or offered for informal or formal probate in the county, or that is known by the petitioner to have been probated, or offered for informal or formal probate in another jurisdiction, and any personal representative of the decedent whose appointment has not been terminated. Notice may be given to other persons. In addition, the petitioner shall give notice by publication one time at least <b>14 days</b> before the hearing to all unknown persons and to all known persons whose addresses are unknown who have any interest in the matter being litigated.
<b>Creditor's Claim:</b> ARS § 14-3801(A)  ARS § 14-3801(B)  ARS § 14-3807	<p>Unless notice has already been given under this section, at the time of appointment, a personal representative shall publish a notice to creditors <b>once a week for 3 consecutive weeks</b> in a newspaper of general circulation. The notice shall state that creditors of the estate must present their claims within <b>4 months</b> after the date of first publication of the notice or be forever barred.</p> <p>A personal representative shall give written notice by mail or other delivery to all known creditors, notifying the creditors of the personal representative's appointment. The notice shall also notify all known creditors to present the creditor's claim within <b>4 months</b> after the published notice, if notice is given as provided in § 14-3801(A), or within <b>60 days</b> after the mailing or other delivery of the notice, whichever is later, or be forever barred. A written notice shall be the notice described in § 14-3801(A), or a similar notice.</p> <p><b>Payment of Claims.</b> On the expiration of the earlier of the time limitations prescribed in § 14-3803 for the presentation of claims, the personal representative shall proceed to pay the claims allowed against the estate in the order of priority prescribed, after making provisions for allowance in lieu of homestead, exempt property and family allowance, for claims already presented which have not yet been allowed or whose allowance has been appealed, and for unbarred claims which may not have been presented yet, including costs and expenses of administration.</p>

Arizona Rules and Statutes	Timelines under Statute and Rule
<p><b>Closing of Estate:</b> ARS § 14-3933</p> <p>Rule 4(A)(1)(b), ARPP</p> <p>Rule 15.2, ARPP</p>	<p>Unless prohibited by order of the court and except for estates being administered in supervised administration proceedings, a personal representative may close an estate by filing a verified statement with the court no earlier than <b>4 months</b> after the date of original appointment of a general personal representative for the estate.</p> <p>A probate case initiated by filing a petition for informal appointment of a personal representative or informal probate of a will, a petition for formal appointment of a personal representative or formal probate of a will, or a petition for formal appointment of a special administrator continues from the date the petition or application is filed until either the court has entered an order closing the estate or <b>1 year</b> after the personal representative has filed a closing statement in accordance with statute.</p> <p><b>Two years</b> after initiation of a case filed pursuant to Title 14, Chapter 3, the court shall issue a notice of impending dismissal of the case unless at least one of the following has been filed in the case:</p> <ul style="list-style-type: none"> <li>a. A closing statement authorized by § 14-3933;</li> <li>b. A petition to settle the estate authorized by §§ 14-3931 and -3932;</li> <li>c. An order terminating the appointment of a special administrator pursuant to § 14-3618; or</li> <li>d. An order setting the case for future trial, hearing, or conference or an order extending the administration of the estate beyond two years.</li> </ul> <p style="text-align: center;"><b>(Measurement Stops Here)</b></p>